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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA  
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6 M.S., et al., )  
7 Plaintiffs, ) Case No. 2:20-cv-01861-GMN-BNW  
8 vs. ) **Order re [51]**  
9 Hyundai Motor America, et al., )  
10 Defendants. )  
11 \_\_\_\_\_)

12 Before the Court is a motion by Hyundai Motor America and Hyundai Motor Company to  
13 depose nonparty Jonathon Jackson. ECF No. 51. Jackson is presently incarcerated at the Casa  
14 Grande Transitional Housing Facility here in Las Vegas, Nevada. *Id.* at 2. As such, Rule 30  
15 requires that the Hyundai defendants obtain the Court's leave to depose Jackson. *See* Fed. R. Civ.  
16 P. 30(a)(2)(B) ("A party must obtain leave of court . . . if the deponent is confined in prison.").  
17 The Court may grant leave if the discovery sought is consistent with the scope and limits set forth  
18 in Rule 26(b)(1)–(2). *Id.*

19 Under Rule 26, parties may obtain discovery on any nonprivileged matter relevant to any  
20 party's claim or defense. Fed. R. Civ. P. 26(b)(1). The sought matter must also be proportional to  
21 the needs of the case, but it "need not be admissible in evidence to be discoverable." *Id.*  
22 However, the Court must limit any proposed discovery that is: cumulative or duplicative; sought  
23 by a party who has had ample opportunity to obtain the information by discovery in the action; or  
24 outside the scope of Rule 26(b)(1). Fed. R. Civ. P. 26(b)(2)(C).

25 No party filed a response to the Hyundai defendants' motion, and the deadline to do so has  
26 lapsed. Under the Local Rules, "[t]he failure of an opposing party to file points and authorities in  
27 response to any motion," except a motion for attorney's fees or summary judgment, "constitutes a  
28 consent to the granting of the motion." LR 7-2(d). Here, the Court construes the parties'

1 nonresponse to ECF No. 51 as their consent to the granting of the motion. Further, the Court  
2 finds that the discovery sought is consistent with the scope of Rule 26, particularly given that  
3 Jackson is alleged to have played a central role in the accident described in the complaint. *See*  
4 ECF No. 1-2. So, under LR 7-2(d), and on the basis of good cause,

5 IT IS ORDERED that defendants' motion (ECF No. 51) is GRANTED. The Hyundai  
6 defendants are permitted to depose nonparty Jonathon Anthony Jackson.

7 DATED: June 1, 2021.

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BRENDA WEKSLER  
10 UNITED STATES MAGISTRATE JUDGE  
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